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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,090	10/30/2003	Kenneth P. Glynn	IVC-107C, Case 16	1856
7590	07/27/2005		EXAMINER	
GLYNN & ASSOCIATES, P.C. ATTORNEYS AT LAW 24 Mine Street Flemington, NJ 08822-1598			CHOW, MING	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,090	GLYNN ET AL.	
	Examiner	Art Unit	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 21-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. Claims 21-40 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-40 of copending Application No. 10/696660. Although the conflicting claims are not identical, they are not patentably distinct from each other because “situating a location-identification bar code on an item which situates on a position” of claim 21 of current application and “situating a location-identification bar code on a location” of claim 21 of case 10/696660 is same in terms of the location.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Amendment

2. The reply filed on 5-4-05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant remarked, on page 18, amendments have been made to the specification to overcome 35 U.S.C. §112, first paragraph rejections to claim 4 and 5 as stated in the previous Office Action. The Examiner did not find any amendments as Applicant stated.

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Also, Applicant remarked, on page 18, amendments have been made to Fig. 2 and the specification to overcome 35 U.S.C. §112, first paragraph rejections to claim 18 and 20 as stated in the previous Office Action. The Examiner did not find the amendments as Applicant stated to fully support the claimed limitations and overcome the rejections.

Also, Applicant remarked, on page 19, amendments have been made to Fig. 2 and the specification to overcome 35 U.S.C. §112, first paragraph rejections to claim 17 and 19 as stated in the previous Office Action. The Examiner did not find the amendments as Applicant stated to fully support the claimed limitations and overcome the rejections.

The Examiner waives the one-month requirement for the Applicant to supply the omission or correction. However, Applicant is required to respond to the rejections in the next response, if any.

3. The amendment filed 5-4-05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amended limitation, on page 5, "The speech recognition unit communicates with a continuous speech signal recognizer and a continuous speech signal interpreter" is not supported by the original disclosure.

Also, the amended limitation, on page 6, "bar code reader is connected to secondary processor wirelessly" is not supported by the original disclosure. See 35 U.S.C. §112, first paragraph rejections to claim 17 and 19 as stated in the previous Office Action.

Also, the amended limitation, on page 6, “the secondary processor is adapted to receive and translate bar code reader inputs.....and corresponding location-identification bar code readings” is not supported by the original disclosure. See 35 U.S.C. §112, first paragraph rejections to claim 18 and 20 as stated in the previous Office Action.

Also, the amended limitation, on page 3, “the bar code includes a code for genus data and for species data. The genus data includes row or aisle data while the species data includes bin, drawer, or shelf data” is not supported by the original disclosure. See 35 U.S.C. §112, first paragraph rejections to claim 4 and 5 as stated in the previous Office Action.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 24, 25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase "bar code includes genus data and species data" is not disclosed by the specification. The specification disclosed aisle, row, bin, drawer, and shelf data. However, any of the two data as disclosed do not have the genus and species relationship.

5. Claims 38, 40 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase "secondary processor.....to communicate with said microprocessor" is not disclosed by the specification. Nowhere in the specification discloses that a secondary processor performs all claimed limitations (being adapted to receive and translate bar code reader inputs, having software to create item location information, communicate with said microprocessor, and converting item location information into continuous speech recognition digital signals) together.

6. Claims 37, 39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase "bar code reader connected to secondary processor wirelessly" is not

disclosed by the specification. Nowhere in the specification discloses that the bar code is connected to the secondary processor wirelessly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 21, 22, 24, 26-28, 30-32, 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Burke et al (US: 6604681).

For claims 21, 22, 24, 26, 27, 38, Burke et al teach on column 6 line 15 to column 7 line 23, column 9 line 3 to column 11 line 40, an item locator system provides item location

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information to a user. The item identifiers are entered via a bar code reader or entered via a voice recognition device. The item location information are retrieved from a database and are provided to the user via an LCD display. The item location information (claimed “feedback”) is an answer.

Regarding claim 28, Burke et al teach on column 6 line 26-29, audio communication to the user.

Regarding claim 30, Burke et al teach on column 6 line 23, telephone and column 7 line 18, voice recognition. The system of Burke et al must have a microphone.

Regarding claims 31, 32, see Fig. 8 of Burke et al.

Regarding claims 36, 37, 39, see column 6 line 33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al as applied to claim 21 above.

Burke et al teach on column 6 line 61-67, location information include location of aisle and shelf.

Burke et al failed to teach row, bin, drawer, and floor space area information. However, “Official Notice” is taken that adding row, bin, drawer, and floor space area information to the system as taught by Burke et al is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Burke et al to have the row, bin, drawer, and floor space area information such that the modified system of Burke et al would be able to support the system users convenience of finding different levels of location information.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al as applied to claim 1 above, and in view of Miura (JP: 356060959).

Burke et al teach on column 6 line 41-42, ROM.

Burke et al failed to teach ROM storage provides remote diagnostics and system programming. However, Miura teaches ROMs with system programming and for diagnostics.

It would have been obvious to one skilled at the time the invention was made to modify Burke et al to have the ROM storage provides remote diagnostics and system programming as taught by Miura such that the modified system of Burke et al would be able to support the system users convenience of performing diagnostics and system programming on the ROM.

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10. Claims 33, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al as applied to claim 21 above, and in view of Suzuki et al (US:2002/0149609).

Burke et al failed to teach digital-to-analog. However, Suzuki et al teach on section [0044], a PDA with a D/A converter.

It would have been obvious to one skilled at the time the invention was made to modify Burke et al to have the digital-to-analog as taught by Suzuki et al such that the modified system of Burke et al would be able to support the system users convenience of getting analog audio output.

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al as applied to claim 21 above, and in view of Engellenner et al (US:5786764).

Burke et al failed to teach a speech recognition engine. However, Engellenner et al teach on items 143 Fig. 13 and column 12 line 60 to column 14 line 26, speech processing means (claimed “speech signal recognizer”), and item 178 Fig. 13, column 15 line 13-23, “likelihood processor” (claimed “speech signal interpreter”).

It would have been obvious to one skilled at the time the invention was made to modify Burke et al to have the speech recognition engine as taught by Engellenner et al such that the modified system of Burke et al would be able to support the system users convenience of better performing voice recognition by using a speech recognition engine.

12. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al as applied to claim 21 above, in view of Engellenner et al and further in view of Stubleay et al (US: 6092045).

Burke et al in view of Engellenner et al as stated in claim 14 above failed to teach utilizing tokens of raw acoustic signals. However, Stubleay et al teach column 7 line 26, each word in the vocabulary is represented by a string of HMM model, one for each phoneme in the word.

It would have been obvious to one skilled at the time the invention was made to modify Burke et al in view of Engellenner et al to have utilizing tokens of raw acoustic signals as taught by Stubleay et al such that the modified system of Burke et al in view of Engellenner et al would be able to support the system users convenience of using tokens of raw acoustic signals for speech recognition.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow

(M)


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600